

JMH:LZ

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

COMPLAINT

- against -

(18 U.S.C. § 371)

INSAF ALI,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

KATHRYN MCCABE, being duly sworn, deposes and states that she is a Special Agent with the United States Fish and Wildlife Service, duly appointed according to law and acting as such.

In or about April 2021, within the Eastern District of New York and elsewhere, the defendant INSAF ALI, together with others, did knowingly, intentionally and willfully conspire to unlawfully import and bring into the United States merchandise, to wit: finches, contrary to Title 18, United States Code, Section 545.

(Title 18, United States Code, Section 371)

The source of your deponent's information and the grounds for his/her belief are as follows:¹

1. I am a Special Agent with the United States Fish and Wildlife Service ("USFWS") and I have been involved in the investigation of numerous cases involving the

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

unlawful importation of wildlife into the United States, including but not limited to the unlawful importation of finches from Guyana. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file; and from reports of other law enforcement officers involved in the investigation.

BACKGROUND

2. In recent years, United States Customs and Border Protection (“CBP”) officers working at John F. Kennedy International Airport (“JFK”) have intercepted numerous individuals trying to bring finches, which are small seed-eating birds, into the United States from Guyana by concealing the birds in various manners without declaring the birds on the required importation forms. As set forth below, such conduct is in violation of the law. It also subverts requirements that birds from foreign countries be quarantined to prevent the possible spread of disease.

3. My investigation has revealed that individuals keep finches to enter them in singing contests in Brooklyn and Queens, New York. In such contests, often conducted in public areas like parks, two finches sing and a judge selects the bird determined to have the best voice. Many who attend the singing contests wager on the birds. A finch that wins these competitions becomes valuable and can sell for more than \$10,000. Although certain species of finch are available in the United States, finches from Guyana are believed to sing better and are therefore more valuable. An individual willing to smuggle finches into the United States from Guyana can earn a large profit by selling these birds in the New York area.

RELEVANT REGULATIONS

4. Pursuant to Title 50, Code of Federal Regulations, Section 14.61, importers of wildlife are required to file a signed and completed Declaration for Importation or

Exportation of Fish or Wildlife (Form 3-177) to declare the importation of any wildlife. In addition, pursuant to Title 50, Code of Federal Regulations, Section 14.91, a permit is required from the USFWS to import any wildlife for commercial purposes.

5. Pursuant to Title 9, Code of Federal Regulations, Section 93.106, imported commercial birds must be quarantined for 30 days. This requirement exists to prevent the spread of diseases carried by foreign birds, including Newcastle disease — a contagious avian virus than can infect humans and domestic poultry — and bird flu.

THE DEFENDANT'S CONDUCT

6. According to information obtained through the investigation, including communications obtained from the defendant's cell phone pursuant to search warrants issued on May 3, 2021 and July 23, 2021 by the Honorable Peggy Kuo, on or about and between April 1, 2021 and April 25, 2021, the defendant recruited and paid Co-Conspirator 1, an individual whose identity is known to me, to smuggle finches from Guyana into the United States.

7. On or about April 22, 2021, the defendant arranged the purchase of airline tickets for himself and Co-Conspirator 1 to travel to the United States through a travel agency located in Queens, New York. Documents and records obtained through the investigation, including records obtained from the travel agency and bank statements, show that the defendant paid \$478.28 for each ticket, using a third party's credit card, to which he had access.

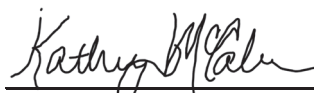
8. On or about April 25, 2021, the defendant arranged for approximately thirty-five finches to be delivered to Co-Conspirator 1, in or near the Cheddi Jagan International Airport in Georgetown, Guyana.

9. On or about April 26, 2021, the defendant and Co-Conspirator 1 traveled together to John F. Kennedy International Airport in Queens, New York, aboard JetBlue flight

number 1966, which flight had originated from the Cheddi Jagan International Airport in Georgetown, Guyana. According to a passenger who sat nearby on the same flight, the defendant and Co-Conspirator 1 sat next to each other during the flight and, at one point, got up together to go to the bathroom.

10. Upon arrival in New York, Co-Conspirator 1 was selected for a Customs examination, which revealed that he possessed approximately thirty-five live finches concealed in his suit jacket and beneath his pants legs, with each bird hidden inside a hair curler.

11. WHEREFORE, your deponent respectfully requests that the defendant INSAF ALI, be dealt with according to law.



KATHRYN MCCABE

Special Agent

United States Fish and Wildlife Service

Sworn to before me this
5th day of January, 2022 by telephone



THE HONORABLE PEGGY KUO
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK